

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, August 8, 2006
Tuesday, 9:08 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Gray, Martz, Schlapp, present. (Fearey and Skelton absent with prior notice).

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Rev. Diane Monger of Inter-Faith Ministries gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the August 1, 2006 meeting were approved 5 to 0.

AWARDS AND PROCLAMATIONS

There were no awards or proclamations to present.

PUBLIC AGENDA

Margalee Wright-Global Warming and what Wichita can do.

Margalee Wright

Ms. Wright stated that she has long believed that one must think globally and act locally and in keeping with this belief she is before the Council with a concern about global warming and suggestions for actions by the City of Wichita and its citizens. Stated that today she hopes to hear a date or a plan as to when the beginning point for signing the U.S. Mayor's Agreement might happen. Stated that she believes that empowerment of the citizens happens when the goal is clearly communicated, education is provided to support the goal and there are on-going updates and reeducation. Stated that she can think of many ways to creatively present this issue to citizens that would capture their imagination and give them hope that they as an individual citizen can make a difference. Stated that Wichita can create specific actions for each and every citizen and keep this issue alive with a "can do" attitude. Stated that her request today is that the City Council take the lead in making Wichita a "cool city" with the following actions: 1) widely publicize the Sierra Club's 10 things you can do to help curb global warming; 2) utilize the green vehicle fleet idea and begin to purchase hybrid cars for the City vehicle fleet; 3) renewable energy and 4) to complete an energy audit of City Hall and other City facilities.

Mayor Mayans

Mayor Mayans stated that this item will be discussed at the August 22nd workshop to see where we are on this issue.

Rickie Coleman, Sunflower Community Action, cameras in police cars.

Rickie Coleman

Ms. Coleman stated that she is the President of Sunflower Community Action and that last night they met at the DAB I meeting with Council Member Brewer and brought their issue before them and they did not feel that the funds for the cameras in police cars should come out of DAB I money only because this is a city wide issue so the DAB I elected Council Member Brewer to report back to the Council Members of their decision. Stated that Council Member Martz was quoted in yesterdays paper as saying that the Council Members would probably watch out what they say if they were behind cameras and they feel the same way regarding cameras in police cars. Stated that they are still collecting signatures for petitions and wanted to remind the Council that they still feel that this is a city wide issue and believe that the money is there if the Council can prioritize this to make it happen.

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John Fisher-Cameras in police cars.

John Fisher

Mr. Fisher stated that he is a design engineer and designs video systems and became very interested in the issue of cameras in police cars. Stated that his interest turned to a level of concern when he saw the estimated costs that were related to this specific project and due to that concern has felt the desire to approach resident technical professionals about the possibility of creating a locally based business entity, specifically tailored to satisfy this specific need. Stated that they are currently in the process of a corporate filing with the State of Kansas and feels that the creation of a locally based business entity is the best way to approach this particular effort. Urged the City Council to consider a more cost affordable alternative over the vendors that are currently out there in the marketplace.

Leon Normore-Cameras in police cars.

Leon Normore

Mr. Normore stated that he strongly feels that there is a need and a benefit for the cameras in police cars and also believes that this is a citywide issue. Asked the City Council to band together and do what is right for the City of Wichita and that the cameras will save the taxpayers money.

Janiece Baum Dixon-Stagnant Water in Chisholm Creek Canal.

Janiece Baum Dixon

Ms. Dixon stated that she is the owner and trustee of the JW Baum and Revocable Trust and the JW Baum Real Estate Rentals and the majority of the trust property and the rental properties are located at 25th Street North and Park Place and Wellington Place, which is in close proximity to Chisholm Creek. Stated that her neighbors and tenants living near Chisholm Creek have requested that she speak on their behalf and presented a petition that was given to her with over 150 signatures from these residents and it is a simple request that the creek be maintained and be safe. Stated that their concerns are the lack of maintenance that is not being performed to keep the creek clean of trash, debris and stagnant water. Stated that the condition of the waterway causes mosquito problems in the summer as well as foul bad odor throughout the year. Stated that she along with the other business owners in the area are fearful that their property values will decrease because of the quality of life that decreases because of the creek. Stated that the City Office of Central Inspection has made requests to have the creek cleaned, especially at the location of the Market Street Bridge, which seems to collect a lot of trash and hampers the drainage of the water. Stated that her father donated this land for the Pat Garcia Park, located at 25th Street and Wellington Place and this creek runs through the park and if it could be cleaned, it would greatly enhance the park and turn a polluted waterway into a great place for family outings. Asked the City to take their concerns and advisement and formulate a plan for Chisholm Creek.

Mayor Mayans

Mayor Mayans stated that they are aware of that problem and have visited with some of the citizen groups in this area and Chris Carrier has been in contact with KDHE regarding this.

CONSENT AGENDA

Mayor Mayans

Mayor Mayans requested to pull item 16 for discussion.

Motion--

--carried

Mayans moved that the Consent Agenda be approved in accordance with the recommended action shown thereon but to exclude item 16. Motion carried 5 to 0, (Fearey and Skelton absent).

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BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED AUGUST 7, 2006.

Bids were opened August 4, 2006, pursuant to advertisements published on
PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per
specifications:

Hillside from Kellogg to Central (87N-0226-01/472-83862/706867/204333) Traffic to be maintained
during construction using flagpersons and barricades. (District I)

Cornejo & Sons Construction - \$3,648,218.45 (Upon KDOT approval)

Main 4 Northwest Interceptor Sewer along 135th Street West from Central to 21st (468-
83889/744149/480837) AND, Water Line Improvements 13th Street North and 135th Street West
(135th Street West from 13th to 21st, and 13th Street North from Firefly to 135th Street West) (448-
90100/635665/765718) Traffic to be maintained during construction using flagpersons and barricades.
(District V)

Nowak Construction - \$2,827,732.24 (Base Bid)
 116,877.95 (Add Alternate)
 \$2,944,610.19 (Aggregate Total)

Contract Maintenance Asphalt Mill & Overlay Phase 3 south of 13th Street North, east of Meridian
(472-844,33/132719/620447/133116/) Traffic to be maintained during construction using flagpersons
and barricades. (District I, II, IV)

Cornejo & Sons Construction - \$587,400.00 (Engineer's Estimate)

City Hall Parking Lot Concrete Repairs (south of Central, west of Main) (472-84432/792463/435411)
Does not affect existing traffic. (District VI)

Barkley Construction - \$157,150.00 (Engineer's Estimate)

Lateral 4, Main 11 Four Mile Creek Sewer to serve Fairmont Addition (north of 21st Street North, west
of 127th Street East) (468-84052/744190/480878) does not affect existing traffic. (District II)

Mies Construction - \$67,961.50

Paddock Green Circle from 97 feet south of the north line of Lot 5, Block 1, to and including the cul-
de-sacs serving Lots 6 through 29, Block 1 to serve Brighton Courts Addition (south of 21st Street
North, west of Webb) (472-83817/765997/490114) does not affect existing traffic. (District II)

Kansas Paving Company - \$134,753.75

Motion--

--carried

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest
and best bid within the Engineer's construction estimate, and the and the necessary signatures be
authorized. Motion carried 5 to 0, (Fearey and Skelton absent).

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CMB

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

Special Events

August 26-27, 2006
Sandra Dee Ballinger Silver Strike Inc. 300 South Greenwich
dba Lizard Lounge

September 30, 2006
Devin W. Hansen Wagon Master 2006 Chili Cook-off 600 East Douglas

Motion-- Mayans moved that the licenses be approved subject to Staff review and approval. Motion
--carried carried 5 to 0, (Fearey and Skelton absent).

PRELIM ESTS

PRELIMINARY ESTIMATES:

- a) 2006 Contract Maintenance Thermal Crack Repair, north of MacArthur, west of Hoover. (472-84430/132719) Traffic to be maintained during construction using flagpersons and barricades. (Districts IV, V) - \$100,000.
- b) 2006 Contract Maintenance Concrete Drainage Repair, within City of Wichita limits. (472-84431/132719) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, VI) - \$150,000.
- c) Water Distribution System to serve Brighton Courts Addition, south of 21st Street North, west of Webb Road. (448-89857/735323/470994) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$74,800.

Motion--carried Mayans moved that the file be received. Motion carried 5 to 0, (Fearey and Skelton absent).

PETITION

CONSTRUCT PAVING, SANITARY SEWER AND WATER IMPROVEMENTS IN THE FAIRMOUNT ADDITION-NORTH OF 21ST STREET, WEST OF 127TH STREET EAST, (DISTRICT II)

Agenda Report No. 06-0809

On August 9, 2005, the City Council approved Petitions to construct paving, sanitary sewer and water improvements in The Fairmont Addition. Based on recent bid prices it doubtful that construction contracts can be awarded within the budgets set by the Petitions. The developer has submitted new Petitions with increased budgets. The signatures on the new Petitions represent 100% of the improvement districts.

The projects will serve a new residential development located north of 21st St. North, west of 127th St. East.

The existing Petitions total \$497,000 with the total assessed to the improvement districts. The new Petitions total \$648,000 with the total assessed to the improvement districts.

The projects will address the Efficient Infrastructure goal by providing improvements necessary for a new residential development. They will also address the Economic Vitality and Affordable Living goal by facilitating new residential development that is vital to Wichita's continued economic growth.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion-- Mayans moved that the Petitions be approved; the Resolutions adopted and the necessary signatures
--carried authorized. Motion carried 5 to 0, (Fearey and Skelton absent).

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RESOLUTION NO. 06-419

A Resolution of findings of advisability and resolution authorizing construction of water distribution system number 448-90093 (north of 21st Street, west of 127th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, and Mayans, (Fearey and Skelton absent).

RESOLUTION NO. 06-420

A Resolution of findings of advisability and resolution authorizing construction of lateral 4, main 11, Four Mile Creek sewer (north of 21st, west of 127th street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, and Mayans, (Fearey and Skelton absent)

RESOLUTION NO. 06-421

A Resolution of findings of advisability and resolution authorizing constructing pavement on Mainsgate from the west line of Eagle, east to the east line of the plat, on Woodridge from the north line of lot 4, block G, north to the south line of Mainsgate, and on Woodridge, from the north line of Mainsgate, north to the north line of the plat and that there be constructed pavement on Davin Circle from the north line of lot 9, block H, north to and including the cul-de-sac, including the emergency access easement between Davin Circle and Mainsgate and that sidewalk be constructed along one side of Mainsgate and Woodridge (north of 21st, west of 127th Street East) 472-84246 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, and Mayans, (Fearey and Skelton absent).

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

CONTS/AGRMNTS CONTRACT AND AGREEMENTS FOR JULY 2006.

Motion--carried Mayans moved that the file be received. Motion carried 5 to 0, (Fearey and Skelton absent).

CLAIMS REPORT ON CLAIMS ALLOWED FOR JUNE 2006:

<u>Name of Claimant</u>	<u>Amount</u>
Arambula, Evangelina	\$265.00**
Gose, Marjorie	\$2,576.27
Harding, Shirley	\$303.22**
Isakov, Victor	\$55.00
Meyerson, Lesley	\$79.26
Schmeidler, Joe	\$400.00
Southwestern Bell	\$2,321.38

** Settled for lesser amount than claimed.

Motion--carried Mayans moved that the file be received. Motion carried 5 to 0, (Fearey and Skelton absent).

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LEGACY PARK

RESPREAD ASSESSMENT-LEGACY PARK WILSON ESTATES THIRD ADDITION – SOUTH OF 21ST STREET NORTH, WEST OF WEBB ROAD. (DISTRICT II)

Agenda Report No. 06-0810

The landowner, C.V.C. Wichita Associates, L.L.C., platted Legacy Park Wilson Estates 3rd Addition and has submitted an Agreement to respread special assessments within the Addition.

The land was originally included in a number of improvement districts for several public improvement projects. The purpose of the Agreement is to respread special assessments to more fairly distribute the cost of the improvements.

There is no cost to the City.

The City of Wichita aggressively uses special assessments to lower the cost of residential developments. In doing so, the City's program satisfies the City Council's goal to promote Economic Vitality and Affordable Living. The program supports this goal through partnering with stakeholders in the development community and sustains affordable living by lowering the costs of home ownership.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Skelton absent).

EXPLOSIVES FAC.

POLICE EXPLOSIVES FACILITY DEVELOPMENT CONTRACT.

Agenda Report No. 06-0811

On April 4, 2006, City Council approved the acquisition of land and the budget for purchase and development of an explosive ordnance disposal facility for the Wichita Police Department due to the need to vacate the Kingsbury Landfill tract. Land was purchased and contracts were signed for a parcel of land bounded by 103rd and 111th Streets South, and 327th and 343rd Streets West.

On June 13, 2006, City Council approved using a Design/Build Project for development of the explosives ordnance disposal facility. Development of the site will include the installation of fencing, building of earthen berms and destruction pits, placement of explosives storage magazines, installation of an access road and electrical utilities, and construction of a prefabricated equipment structure.

In accordance with Administrative Regulation 1.2, contracting for Professional Services, proposals were mailed to design firms in June 2006 (FP600066). Two firms responded as follows: Sutherland Builders and Utility Contractors.

On July 21, 2006, the Staff Screening and Selection Committee convened to review the qualifications of the firms that responded to the proposal. The Staff Screening and Selection Committee provided opportunity to each responding firm to give presentations and answer questions regarding their proposals and experience. Utility Contractors was selected as the consultant for this project based on previous experience and understanding of this project.

On July 24, 2006, the procedures and documentation for Request for Proposal (FP600066) were reviewed by the City's Internal Auditor and Administrative Regulation 1.2 was found to be properly followed.

This project is authorized in the 2006 Capital Improvement Program (CIP). The CIP includes \$485,000 for design and construction of improvements to ready the facility for use.

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The Law Department has approved the Contract as to form.

Motion--
--carried

Mayans moved that the Contract be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Skelton absent).

PROJECT ACCESS

PROJECT ACCESS CONTRACT RENEWAL.

Agenda Report No. 06-0812

Since 1999 the City has participated in Project Access, a program that coordinates donated medical services for the uninsured by linking physicians, social service agencies, hospitals, clinics, and area pharmacies. The current contract between the City and the Central Plains Regional Health Care Foundation, Inc. (the non-profit organization responsible for Project Access) provides funds for prescription medications and the coordination of services. The original contract was renewed through August 31, 2006 and has one remaining option to renew for a successive one-year period. A recommendation to renew the contract for a one-year period that runs through August 31, 2007 is being brought before the City Council.

It is estimated that 55,000 persons, or 13 % of local population is uninsured. From September 1999 through June 2006, 6,725 individuals have received donated medical care and services through Project Access. During the last seven years Project Access has:

- Provided 134,602 prescriptions worth over \$2.8 million;
- Coordinated donated physicians services worth \$14.8 million; and
- Coordinated donated hospitals services worth \$35.9 million.

During the last three and a half years, pharmaceutical companies have donated \$1.4 million in prescription medicines. Currently 550 physicians, eight hospitals, and 80 pharmacies participate in Project Access.

The \$300,000 contract renewal budget is the same amount provided for the 2005/06 contract. Community Services Block Grant funds, received to serve low-income persons, will be used to pay contract costs and the renewal will not obligate general fund monies.

The City's support of Project Access addresses the goals of Economic Vitality and Affordable Living by providing prescription drugs to the low-income, and Providing a Safe and Secure Community by improving the overall health of its residents.

The Department of Law has approved the contract renewal as to form.

Motion--
--carried

Mayans moved that the renewal of the Project Access Contract be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Skelton absent).

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WATERWALK

WATERWALK CAPITAL AND CONSTRUCTION AGREEMENTS. (DISTRICT D)

Agenda Report No. 06-1813

In September 2002, the City of Wichita entered into a development agreement with WaterWalk LLC to develop the East Bank Redevelopment District, which was established in 1995. The Development Agreement was amended on December 2, 2003, October 12, 2004, and June 20, 2006.

The 2003 amendments to the Development Agreement (1st Amendment) requested the following changes:

- q The development of a destination retail store to be financed with STAR bonds, a tax increment financing mechanism to capture new state and local sales tax revenues generated by the project as the funding source to repay bonds used to finance public improvements and infrastructure.
- q The City amended the East Bank Redevelopment District boundaries to include the River Corridor Project area in order to make use of STAR bonds. This allowed the City to permanently finance River Corridor Project improvements with STAR bonds while making available general obligation bond financing for the destination retailer portion of the WaterWalk Project.

On September 9, 2004, WaterWalk LLC ("Developer") announced that Gander Mountain, Inc. would anchor the WaterWalk development as the destination retail store. The City Council endorsed the Developer's selection on September 21, 2004. The City Council directed staff to prepare the necessary ordinances and documents to amend the Development Agreement (2nd Amendment) per the following:

- q Provided City funding for a portion of the costs to develop the destination retail store on a design-build concept and associated public improvements. This required an ordinance invoking Charter Ordinance No. 177 to be voted on by 2/3-majority vote to use design-build without public bidding to construct improvements paid from public funds.
- q Redefined the project area that identified the Destination Retailer Improvements within the project area. This was depicted on a site map attached to the 2nd amendment as Exhibit 15, except improvements related to streets and utilities. The site included the destination retailer building and site improvements, surface parking lots and a pedestrian bridge across the Arkansas River.
- q The 2nd amendment applied to the terms and conditions governing the construction of the Private Improvements to the construction of Destination Retailer Improvements. Under the Development Agreement, Private Improvements, which are designed, constructed and financed entirely by the developer, may be constructed pursuant to design-build contracts.
- q The City Council authorized the construction of Wichita and Water Streets, as well as the new interior street that connected the destination retailer building to Main Street as Public Improvements for the project area.
- q Revision of the Project Development Budget was contained in Exhibit 4. The budget for STAR Bond Funding was replaced by the budget for the Destination Retailer Improvements totaling \$14,152,300. It was noted that this change included \$2.6 million that represented the imputed value of the land and was not an actual cost of the project. It was also noted that the cost of street improvements in the Destination Retailer Improvements Site were included in the budget for Public Improvements. In addition, the Public Improvements budget was increased by \$1 million to enhance the public art component, as approved by the City Council on September 21, 2004.
- q A minor change was made in Exhibit 5, the Phasing Schedule for the Project. The schedule called for the Developer and City to hold a Construction Phase Closing on or before 270 days following the commencement of design work on Public Improvements. That time frame had expired; however, the Developer was expected to have the closing before December 31, 2004. Exhibit 5 was changed accordingly.
- q Another minor change was the modification of the provision relating to the use of minority and women owned businesses to reflect the Developer's intention to provide \$3,000,000 in work to such firms as part of the Destination Retailer Improvements.

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- q Another change to the Development Agreement required that Charter Ordinance No. 192 be amended to allow publicly-held companies, under certain circumstances, to sell second-hand merchandise without requiring every shareholder in the company to individually qualify for the second-hand dealer's license, and also allows stock to transfer. This charter ordinance amended Charter Ordinance No. 192.

The City Council approved the 3rd Amendment to the Development Agreement on June 20, 2006 to allow certain publicly-financed improvements associated with Building C (\$6.91 million), the amphitheatre (\$3.5 million), hardscape improvements, and parking structure to be constructed by design-build, in compliance with City and State laws, which generally require public bidding. City Charter Ordinance No. 177 provided a procedure for waiving the bid law requirements when a project is developed under the terms of a Preferred Developer arrangement, such as the case with WaterWalk LLC. In addition to amending the Development Agreement for the 3rd time, the procedure required the City Council to adopt an ordinance specifically approving the construction under the provisions of Charter Ordinance No. 177, which was approved by a super-majority vote

The Council actions on June 20, 2006, to approve the 3rd Amendment to the Development Agreement allowed for the commitment of funds to construct the Amphitheater (\$3.5 million) and the Parking Garage (\$6.91 million). However it did not include the actual Agreement documents nor authorize the necessary signatures.

The Agreements included in this Agenda item are the Capital Contributions and Construction Fund Agreements. They have been drafted to be very similar to those previously approved by the City Council on the December 21, 2004, agenda for the construction of Gander Mountain and the adjacent parking structure.

There are no new financial obligations of the City created by the agreements presented herewith for approval.

Economic Vitality and Affordable Living. Approving the Capital Contributions and Construction Fund Agreements, will continue to illustrate the City Council's commitment in working with WaterWalk LLC in redeveloping our downtown core area.

The agreements have been reviewed and approved as to form by the Law Department.

Motion--

Mayans moved that the Building C Parking Structure Capital Contributions and Amphitheater Construction Improvement Agreements be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Skelton absent).

--carried

PROP ACQUIS.

PARTIAL ACQUISITION OF VACANT LAND FOR RIGHT-OF-WAY AT THE NORTHWEST CORNER OF 119TH STREET WEST AND PAWNEE AVENUE FOR THE PAWNEE ROAD IMPROVEMENT PROJECT FROM 119TH STREET TO MAIZE ROAD. (DISTRICT IV)

Agenda Report No. 06-0814

On January 10, 2006, City Council approved a project to improve Pawnee Avenue from 119th Street West to Maize Road. The project will reconstruct Pawnee Avenue to four through lanes with a median for left turn lanes. In addition, a new storm water sewer will be constructed.

To accommodate the project, right-of-way must be acquired for a turn lane at the northwest corner of Pawnee Avenue at 119th Street. This particular acquisition is triangular and consists of 1,875 square feet. The owner has agreed to sell that part of the entire property at its appraised value of \$675.00, or \$0.36 square foot.

A budget of \$1,025.00 is requested. This includes \$675.00 for the acquisition, \$350.00 for closing costs and title insurance. The funding source is General Obligation Bonds and Federal Grants administrated by the Kansas Department of Transportation.

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The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

The Law Department has approved the agreement as to form.

Motion--
--carried

Mayans moved that the agreement be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Skelton absent).

PROP ACQUIS.

ACQUISITION OF RIGHT OF WAY FOR GREENWICH ROAD IMPROVEMENT PROJECT, 26TH TO 29TH STREET NORTH. (DISTRICT II)

Agenda Report No. 06-0815

On June 6, 2006, City Council approved a project to improve Greenwich Road, between 26th and 29th Street North. The project will provide four through lanes and a continuous center two-way left turn lane. The intersection of Greenwich at 29th will be paved with left turn lanes at all four approaches. A storm water sewer will be constructed to improve drainage. The project required additional right-of-way. One tract of necessary right-of-way is owned by Bardabil, Inc. and is located on the Northeast Corner of 29th and Greenwich Road. Bardabil, Inc. is willing to grant the necessary 1.278 acres of Right of Way for this project. Currently 2,320 feet of a barbed wire fence is located on the present right of way line. It will be necessary for the owner to remove the fence and relocate a barbed wire fence on the new right-of-way line. As compensation for the damage to the fence, the owner has agreed to accept \$1,500.

Compensation for damages is \$1,500.

A budget of \$1,500 is requested.

This project addresses the Ensure Efficient Infrastructure goal by improving a vital arterial street. It also addresses the Economic Vitality and Affordable Living goal by providing a public improvement necessary for the private sector's development of the surrounding area.

The Law Department has approved the documents as to legal form.

Motion--
--carried

Mayans moved that the budget and easements be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Skelton absent).

(Item 16) HOMELESSNESS

TASK FORCE ON ENDING CHRONIC HOMELESSNESS.

Agenda Report No. 06-0816

The Community Council on Homeless Advocacy asked the City and County Managers to "establish a committee of influential individuals who are representative of our community's interests to develop a ten-year strategy to end chronic homelessness in our area".

The City and County Managers agreed to assume this responsibility by first requesting that the United Way of the Plains take the lead in coordinating a City/County team to engage all of the stakeholders in discussion and development of such a plan/strategy. The United Way agreed and as a first step, prepared a research summary of the current status of the homeless population in Wichita, which includes a review of the best practices from around the country, to address the problem of chronic homelessness.

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The next tasks were to identify a chair for the committee and to expand the membership of the task force to include 'influential' community members, but also other persons and/or groups who would add value to the discussions. The search for a chair for the committee has resulted in Jack Focht agreeing to take on this responsibility. This action will authorize the appointment of the remaining task force members which will include community and neighborhood leaders, and representatives of homeless services providers, the faith community, the homeless population, City, County and United Way.

There is no financial obligation associated with the appointment of the task force, other than the value of staff time as they are called upon to assist the task force in their deliberations.

The task force's recommendations will impact the Promote Economic Vitality and Affordable Living, Enhance the Quality of Life and Support the Dynamic Core Area and Vibrant Neighborhoods City goals.

Mayor Mayans

Mayor Mayans asked City Manager George Kolb to say a few words about this issue.

George Kolb

City Manager stated that this is a joint resolution of the Board of County Commissioners and the City of Wichita to create an adhoc task force that would develop a plan to end chronic homelessness in Wichita. Stated that several months ago he and the county manager were contacted by the Community Council on Homelessness Advocacy and were asked to appoint a committee to develop a 10-year plan to end chronic homelessness in the area. Stated that they agreed to assume that responsibility and their first step was to contact the United Way to help them develop a strategy and to gather best practices from around the country to address this problem. Stated that they have completed that task and they now as a second task, are developing a task force who will take the research that the United Way found and develop a 10- year plan that will address this issue. Stated that they have asked Jack Focht to chair this task force and are in the process of appointing several influential members of the community who have a stake in the future of homelessness in this area. Stated that they had many people volunteer to sit on this task force and thanked them for their interest and consideration of wanting to help try and address this problem.

Motion--
--carried

Mayans moved that the City Manager be authorized to appoint members to a task force on ending chronic homelessness. Motion carried 5 to 0, (Fearey and Skelton absent).

JOINT RESOLUTION BETWEEN CITY AND COUNTY

A joint Resolution of the City of Wichita and the Board of County Commissioners of Sedgwick County creating an Ad Hoc Taskforce to develop a plan to end chronic homelessness.

STREET RESURF.

APPLICATION FOR STREET RESURFACING PROJECT FOR SOUTHWEST BOULEVARD, K-42 HIGHWAY, BETWEEN HOOVER AND THE I-235 FREEWAY. (DISTRICT IV)

Agenda Report No. 06-0817

The Kansas Department of Transportation (KDOT) has available a street resurfacing (KLINK) program for cities which have highway connecting links within the their city limits. The KLINK program is intended for resurfacing improvements on the connecting links, which are maintained by the cities.

KDOT has advised the City of Wichita that KLINK Fiscal year 2009 funds in the amount of \$200,000 are available. The program requires recipient cities to provide matching funding.

It is proposed that the KLINK funding be used to resurface Southwest Boulevard (K-42 Highway), between Hoover and the I-235 Freeway.

The estimated project cost is \$400,000, with \$200,000 paid the City and \$200,000 paid by KDOT. Funding for the City's share will be programmed in the Street Maintenance Operating budget.

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This project addresses the Efficient Infrastructure goal by providing needed maintenance of a major street in southwest Wichita.

Motion--
--carried

Mayans moved that the Application be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Skelton absent).

NAME PARK LAND

NAMING OF PARK LAND AT 44TH STREET SOUTH AND THE FLOODWAY. (DISTRICT IV)

Agenda Report No. 06-0818

City Council Policy 13 delineates the requirements for naming public facilities "... in accordance with their intended use ...". The policy calls for a seven-member committee consisting of residents appointed by the Mayor and City Council to formulate the recommendation prior to City Council consideration. On March 4, 2003, the City Council approved the official naming committee to be the Board of Park Commissioners.

In March of 2003 Bill Gray, Developer, offered to donate a total of 25 Acres for a new park near 44th Street South and the Floodway. The donation was accepted by City Council on March 4, 2003.

The Board of Park Commissioners was asked to consider naming this new park "Alice Wall Memorial Park".

On July 17, 2006, The Board of Park Commissioners unanimously voted, to recommend the City Council name the park "Alice Wall Memorial Park".

Enhance the Quality of Life – This future park will greatly add to the quality of life for the citizens in Southwest Wichita.

Motion--
--carried

Mayans moved that the naming the park "Alice Wall Memorial Park" be approved. Motion carried 5 to 0, (Fearey and Skelton absent).

SIDEWALK ASSESS

SIDEWALK REPAIR ASSESSMENT PROGRAM.

Agenda Report No. 06-0819

State Law and City Policy provide that sidewalk maintenance is the responsibility of abutting property owners. When sidewalk trip hazards are identified, property owners are required to make repairs, either with their contractor or with the City's contractor. Property owners who use the City's contractor have the opportunity to spread the cost over five years as a special assessment.

An Ordinance has been prepared to establish authority to use special assessment funding for the current list of repaired sidewalks.

Statements of Charges will be mailed to the property owners on August 18, 2006. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The interest added to the principal amount will be determined by the rate at which the July 2006 bond sold. The principal and interest will then be spread over 5-years and placed on the 2006 tax roll.

This program addresses the Dynamic Core Area and Vibrant Neighborhoods goal and the Ensure Efficient Infrastructure goal by reducing sidewalk trip hazards and improving the appearance of sidewalks.

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These assessments are in accordance with City Code 12.18.

Motion--
--carried

Mayans moved that the proposed assessments be approved and the ordinance placed on first reading. Motion carried 5 to 0, (Fearey and Skelton absent).

ORDINANCE

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, introduced and under the rules laid over.

RESOLUTION

RESOLUTION AUTHORIZING SECTION 5309 GRANT FROM FEDERAL TRANSIT ADMINISTRATION, FTA.

Agenda Report No. 06-0820

The Federal Transit Administration (FTA) grant application process requires a resolution by the governing body authorizing staff to file grant applications to receive funds and administer the grant's program. The purpose of this resolution is to authorize staff to file eligible federal funds for the support of the City's transit services for CY2006 Transit Enhancements (pursuant to Section 5309 - Discretionary Funds). The authorized total federal apportionment is \$113,667. An opportunity will be provided for a public hearing and other public input on August 4, 2006. Section 5309 is an 80% federal, 20% local match program.

The proposed resolution authorizes funding to support the following:

- Construction of concrete pads for already-purchased new bus shelters and benches
- Installation of said shelters and benches on those concrete pads
- Completion of the improvement of street amenities project

The total cost of the project is \$142,084. The federal portion is \$113,667, and the City of Wichita funds required for the project is \$28,417.

To ensure efficient infrastructure by maintaining and optimizing public facilities and assets.

The City's Law Department has reviewed and approved the resolution as to form.

Motion--
--carried

Mayans moved that the resolution be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Skelton absent).

RESOLUTION NO. 06-422

A Resolution authorizing the filing of an application with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for federal transportation assistance, authorized by 49 U.S.C Chapter 53, Title 23, and other federal statutes administered by the Federal Transit Administration to support FY 2006 Section 5309 Projects, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, and Mayans, (Fearey and Skelton absent).

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CDBG TRANSFER

CDBG BUDGET TRANSFER

Agenda Report No. 06-0821

In 1974 the City Council authorized creation of a Direct Loan Program and a Deferred Loan Program. Both programs provide Community Development Block Grant (CDBG) funds to low and moderate-income families for the rehabilitation of their homes. These homes must be owner-occupied and located within one of the six Local Investment Areas.

In 2000 the Home Improvement Loan Program was created to partner with private lenders by providing an interest subsidy to low and moderate-income families receiving loans to rehabilitate their homes.

The increase in neighborhood improvement activities has caused a high demand for the Deferred Loan Program and the Home Improvement Loan Program. In order to address the increase in application requests, it is recommended that funds be transferred from the Direct Loan Program to the Deferred Loan Program and Home Improvement Loan Program.

The Direct Loan Program has a current balance of \$231,608 in prior year loan repayments. These repayments can be reprogrammed as program income. Staff recommends the transfer of \$160,000 from the Direct Loan Program, and distribution of \$150,000 to the Deferred Loan Program and \$10,000 to the Home Improvement Loan Program.

Funding will enhance the goals to Promote Economic Vitality and Affordable Living, Enhance the Quality of Life and Support the Dynamic Core Area and Vibrant Neighborhoods.

Any budget transfer of \$10,000 or more requires City Council approval.

Motion--carried

Mayans moved that the budget transfer be approved. Motion carried 5 to 0, (Fearey and Skelton absent).

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ AUGUST 1, 2006).

a) Administrative Traffic Court.

ORDINANCE NO. 47-093

1. An Ordinance repealing Section 1.04.155 of the Code of the City of Wichita, Kansas, pertaining to administrative traffic court, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, and Mayans, (Fearey and Skelton, absent).

CHARTER ORDINANCE NO. 202

2. A Charter Ordinance repealing Section 1 of Charter Ordinance No. 181, Section 3, Section 8, and Section 9 of Charter Ordinance No. 168; and amending Section 2, Section 4, Sections 5, Section 6, Section 7, and Section 10 charter Ordinance No. 168, of the Code of the City of Wichita, Kansas, relating to Municipal Court and the Code of Procedure for the Administrative Traffic Court, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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- b) 2006 Street Rehabilitation Program. (District V)

ORDINANCE NO. 47-094

An Ordinance declaring 135th Street West, between Maple and Central and 37th Street North, between Maize and Tyler (2006 Street Rehabilitation Program) 472-84429 to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, and Mayans, (Fearey and Skelton, absent).

ORDINANCE NO. 47-095

- c) Improvement to the Intersection of Pawnee and McLean. (Districts III & IV)

An Ordinance amending Ordinance No. 46-806 of the City of Wichita, Kansas declaring the intersection of Pawnee and McLean (472-84007) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, and Mayans, (Fearey and Skelton, absent).

UNFINISHED BUSINESS

PAWNEE IMPROV. PAWNEE IMPROVEMENT BETWEEN MERIDIAN AND SENECA. (DISTRICT IV) (DEFERRED JANUARY 10, 2006)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 06-0822

The 2005-2014 Capital Improvement Program (CIP) adopted by the City Council includes a project to improve Pawnee, between Meridian and Seneca. District IV Advisory Board sponsored an August 3, 2005, neighborhood hearing on the project. The Board voted 7-0 to recommend approval of the project. On January 10, 2006, the City Council deferred action on the project and asked Public Works-Engineering Staff to re-evaluate the drainage improvements associated with the paving project.

The project will reconstruct Pawnee to provide four through lanes and a center two-way left turn lane. The east 1,000 feet of the existing pavement will be milled and overlaid with new asphalt pavement for tie-in to Seneca. The available right-of-way will be landscaped. A new storm water sewer system will be constructed as part of the project.

The existing drainage area that currently discharges at the Arkansas River through a storm sewer pipe in Pawnee is 862 acres. This area is generally located from ½ block south of Pawnee to just south of May Street between Custer and Seneca, and from just south of May Street to Kellogg between K-42 Highway and Meridian.

Design work is underway for a Meridian Street Improvement that will include an interceptor storm sewer north of Pawnee, between Meridian and the Arkansas River. It will intercept 415 acres of the existing 862-acre drainage basin. This will effectively increase the capacity of the existing Pawnee drainage system and allow for more curb inlets along Pawnee to increase drainage capability.

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Construction is planned in the CIP for 2008, but may begin in 2007 if utilities can be relocated.

The current estimated project cost is \$4,900,000 with \$1,300,000 paid by the City and \$3,600,000 by Federal Grants administered by the Kansas Department of Transportation. The Federal funding is pending approval by the Wichita Area Metropolitan Planning Organization. The funding source for the City share is General Obligation Bonds and is programmed in the 2005-2014 CIP.

This project addresses the Efficient Infrastructure goal by improving traffic flow through a major traffic corridor.

The Law Department has approved the authorizing Ordinance as to legal form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and not one appeared.

Motion--
--carried

Gray moved that the project be approved; the Ordinance placed on First Reading and the signing of State/Federal agreements as required authorized. Motion carried 5 to 0, (Fearey and Skelton absent).

ORDINANCE

An Ordinance declaring Pawnee between Meridian and Seneca (472-84356) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

TIF DISTRICT

CONTINUANCE OF PUBLIC HEARING ON THE ESTABLISHMENT OF A REDEVELOPMENT DISTRICT, TAX INCREMENT FINANCING FOR THE DOUGLAS AND HILLSIDE REDEVELOPMENT PROJECT. (DISTRICT II) **(CONTINUED FROM AUGUST 1, 2006)**

Allen Bell

Economic Development Administrator reviewed the item.

(Council Member Gray momentarily absent)

Agenda Report No. 06-0787A.

On July 11, 2006, the City Council opened a public hearing to consider the establishment of a redevelopment district in the area of Douglas & Hillside, to be known as the Douglas & Hillside Redevelopment District, for the purpose of facilitating the use of tax increment financing. The City Council voted to continue the public hearing until August 1, 2006, to allow time for the developer to submit additional financial information showing the need for public funding assistance in order to undertake the proposed redevelopment project.

The area proposed for redevelopment is bounded on the south by Douglas Avenue, on the west by Hillside Avenue, on the north by First Street and includes property parcels adjacent to the east of Rutan Avenue, as shown on the map attached to the attached ordinance. This is an area that qualifies as a "conservation area" under the state TIF statutes, in that most of the buildings in the area were built well over 35 years ago, and there are excessive vacancies, building abandonment and signs of dilapidation, obsolescence or deterioration. The area was the site of the original Wichita Clinic Building, which has recently been demolished. In 1988, the building was purchased by the State of Kansas and served as the regional office of the Kansas Department of Social and Rehabilitative Services (SRS). In 1995, the building and adjacent parking lots were purchased by the City of Wichita and Sedgwick County as part of the project to consolidate state agencies into the former Dillard's Building in downtown Wichita. It was sold to Rusty Eck and has remained vacant since 1995.

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A local real estate development company, Loveland Properties L.L.C., proposes to purchase the former Clinic/SRS site and other property within the proposed redevelopment district and construct a mixed-use commercial development. The general plan for redevelopment calls for construction of a high-rise residential condominium building with an attached parking structure, several brownstone-type condominium town homes, a public pocket park, public parking facilities and a commercial retail building located at Douglas and Rutan. Tax increment financing would be used to pay for eligible redevelopment costs, which include (without limitation) land acquisition, demolition, site preparation, utilities, landscaping, paving, and public infrastructure.

Tax increment financing (TIF) allows the increased property tax revenue that results from the redevelopment of under-utilized property to be reinvested in the redevelopment. When a TIF district is established and a redevelopment plan is adopted by City Council, the increased tax revenue is set aside by the County Treasurer and can be used by the City to repay bonds issued to finance eligible improvements that are specified in the redevelopment plan and allowed under state law. Such improvements can be financed with TIF bonds or on a pay-as-you-go basis.

A TIF review team, consisting of staff from the City, County and USD 259 have met with the developer to examine the preliminary details of the proposed redevelopment project and consider whether the project either needs or merits public funding assistance. The developer has given firm assurances that he is not prepared to pursue the project further without the possibility of obtaining public funding assistance through TIF. He asserts that the high cost of land adjacent to the Rusty Eck property, which is necessary for successful completion of the project, cannot be supported by the anticipated cash flows generated by the project. That, and other factors such as rising construction costs and interest rates make this project especially risky. The developer has agreed to develop a financial analysis that clearly demonstrates the need for public funding, and to provide the information to staff prior to the continuance of the public hearing on August 8th.

The Board of County Commissioners and the Board of Education for USD 259 will have 30 days following the closing of the public hearing to determine whether establishment of the district will have an adverse impact on them, effectively precluding the use of tax increment financing. If the County and School District approve, or take no action in that time, the tax increment-financing district will be established.

It will still be up to the City Council to approve the ultimate use of tax increment financing by adopting a redevelopment plan for the Douglas and Hillside Redevelopment District that includes tax increment financing. Once a redevelopment plan is adopted and sent to the County Clerk, the tax increment revenue generated by redevelopment will be set aside and deposited into a special fund for its prescribed use. TIF revenue will continue to be set-aside in this way until all TIF-financed improvements have been paid, including the retirement of any TIF bonds.

The establishment of a redevelopment district will facilitate the use of tax increment financing to pay the cost of a portion of public improvements constructed in conjunction with the proposed Douglas and Hillside redevelopment project. Only if the project is approved, a redevelopment plan adopted, and the specific improvements authorized by Council action, will the tax increment revenues generated in the district will actually be utilized.

Economic Vitality and Affordable Living and Quality of Life. Redevelopment of blighted areas, and declining areas, are needed to avoid economic stagnation. Business prospects and workers seeking to relocate are attracted to a new city that takes care of its older sections.

The ordinance establishing the redevelopment district has been reviewed by the City's Law Department and approved as to form. The City Council may amend the proposed boundaries to reduce the size of the redevelopment district at the time of adoption of the ordinance.

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- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Melody McRae Miller Ms. Miller stated that this issue peaked her interest from the perspective of tax increment financing, which her understanding is intended to be for an area that is in need of assistance from a redeveloping perspective. Stated that it has been utilized in the downtown area and that she has a few questions as to who it is that is interested in developing this because this is the first that she has heard of the Hillside and Douglas project and would they be utilizing it for a mixed income project/housing.
- Allen Bell Economic Development stated that the developer would be happy to meet with Representative Miller and provide more detailed information. Stated that this is a project that includes residential and retail developments, the majority of them being residential and the type of residential product that is being proposed are condominiums, which would be built and then sold to future owners and would be priced in the range of approximately \$175,000.00 to \$350,000.00 per unit.
- Mayor Mayans Mayor Mayans asked that the developer meet with Representative Miller after the meeting.
- Motion-- Schlapp moved that the public hearing be closed and the ordinance establishing a redevelopment district for the Douglas and Hillside be placed on first reading and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Skelton absent).
- carried

ORDINANCE

An Ordinance of the City of Wichita establishing the Douglas & Hillside Redevelopment District, introduced and under the rules laid over.

TENNIS CENTER

RALPH WULZ RIVERSIDE TENNIS CENTER IMPROVEMENTS. (DISTRICT VI) **(DEFERRED AUGUST 1, 2006)**

- Doug Kupper Director of Parks and Recreation reviewed the item.
- Agenda Report No. 06-0792A.
- The Ralph Wulz Riverside Tennis Center is a premier tennis center and has hosted numerous local and regional tennis events. The City Council has authorized previous court renovations, improvements to the pro shop, installation of signage and landscaping, and new bleachers.
- Additionally, Capital Improvement Program (CIP) funds over the past several years has allowed for the replacement of numerous deteriorating asphalt tennis courts with post-tension courts. The facility is in need of replacing four sub-standard courts with post-tension concrete, new fencing, and lighting.
- The Park and Recreation Department staff will seek citizen input on the renovation design concepts with the Riverside Citizen Association, the District Advisory Board (DAB), and the Park Board members for their comments and feedback on this capital improvement project.
- The vision for the tennis center is to create year-round tennis opportunities for the citizens of Wichita. Staff seeks authorization for replacement of the four courts with three post-tension concrete courts and authorization for a design/build agreement to enclose the three courts with an inflatable dome. The 2007 Park CIP includes funding for tennis court repairs and replacements. The City has also been awarded an EDI-Special Project HUD Grant No. B-01-SP-KS-0211 of \$429,054 for recreation projects and this grant funding has to be obligated and committed by September 30, 2006.
- The 2007 Park CIP includes \$220,000 for athletic court repair, removal and/or construction. The funding source is general obligation bonds. Additionally, staff seeks approval to also use the HUD grant of \$429,054.

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This project will impact the Quality of Life Goal by providing citizens a quality tennis facility. The improved courts and enclosure will provide on-going recreational and competitive activities, leagues, and tournament play for Wichita citizens and visitors to enjoy.

The Law Department has approved the bonding resolution as to form.

Mayor Mayans Mayor Mayans asked if the Park Board who is in charge of parks voted no on this issue of the dome.

Doug Kupper Director of Parks and Recreation stated that they voted no for the use of the federal funding at this time. Stated that they did take a subsequent vote and support the idea of the dome at Ralph Wulz but they want us to do more research on the operational costs and also in keeping with the "cool cities" idea, they want us to research whether wind turbines or solar panels could be added to the project to help run the electrical needs for that dome. Stated that DAB VI also did not support the dome.

Council Member Brewer Council Member Brewer stated that at the DAB I meeting some of the comments made were whether or not the dome for the indoor tennis court could be moved to a different location and the reply was yes. Stated that the question was raised whether this dome could be used at Fairmont Park or MacAdams Park and the answer was yes. Stated that some of the DAB members were looking at this from the perspective that it could be used anywhere in the city. Stated that is why he feels this issued ended up with a vote of approval because they saw some benefits of having this available in the winter time and that there are several tennis courts in the northeast area.

Mayor Mayans Mayor Mayans stated that the concept of moving the dome around, asked if there is some kind of structure built in to hold the dome up and in place, which are on a permanent basis and would have to be erected somewhere else and taking down, etc.

Doug Kupper Director of Parks and Recreation stated that there are anchor points that have to be installed to the concrete or the adjacent areas to hold the dome down. Stated that the anchors would have to be planned for and if they did chose to use it at other sites, they would have to plan the engineering of that but once you engineer the anchor points they could be added to a number of the other facilities as long as there is a three court system that would be able to accept that size of a dome if we purchase a three court dome.

Council Member Martz Council Member Martz stated that DAB V did discuss this issue and all of the members were unanimously in support of doing this and that this is funds available to provide a structure for the kids in the inner city to have recreation and that it is a multi-purpose function and could be used for things other than just tennis, which was part of the attraction. Stated that they did not feel that this money should be used to substitute or replace the CIP money but rather to supplement it. There was no discussion about moving it to different parts of the city because he was told that this was for the Riverside Park area and was not discussed.

Mayor Mayans Mayor Mayans asked Doug Kupper if he suspects that there will be other activities in this dome.

Doug Kupper Director of Parks and Recreation stated there is not a recreational facility readily available to the youth in the Riverside neighborhood and the direction of how they utilize this facility if they have it up during the school year, which is their main intent, they could have after school programs in that facility and do other things such as basketball, arts and crafts, etc.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

Chalet Harris Ms. Harris stated that she is a representative from the BK Tennis Youth Foundation and BK Tennis Academy, which is in west Wichita. Stated that this is a family owned facility and has been for the past 15 years and is one of two African American owned tennis facilities in the nation and have worked very hard to make it successful without any city funding, grants or outside monies and hope that the Council will not vote to spend either the tax payers money or the HUD Grant Construction Facility that will be in direct competition with this facilitating type business. Stated that the City of Wichita with the Ralph Wulz Tennis Center has been partnering with the BK Tennis Academy with the reciprocation of summer tennis players from Riverside to be BK Tennis Academy in the winter months, so therefore their first and primary objection is to this dome that is being proposed. Stated that as the only indoor

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tennis facility on the west side, the majority of their customers of any age that wish to play and learn tennis come predominately from the west side and the downtown districts. Stated that for the City to be in direct competition with the dome, to offer winter tennis and to offer substantially lower rates than BK, would hurt this thriving and viable business and contributor to this community. The loss of customers would cost them revenue, impact their viability and erode their ability to continue to offer the free services and clinics to kids that they now offer, if they must abandon these programs in order to recoup this money to pay their operating costs. Stated that the second objection is to the complete cost benefit analysis on this dome that is proposed. Stated that to their knowledge, they do know that BK Tennis Academy started in a dome with two courts, 15 years ago and it cost them between \$5,000.00 and \$6,000.00 a month. Stated that also within those operating costs were heating, electricity and special lighting for this dome to defray the lighting that has to happen when playing in an indoor dome. Stated that Riverside would have to charge inner city clientele in order to cover these expenses or the City would have to defray those costs. Stated that there are currently no inner city youth programs going on at Riverside now, but they believe that covering these courts could develop inner city programs that are already available within the City. Stated that Mr. Charles Doughty runs an inner city program for children in the summer at MacAdams Park. Stated to compete with a thriving tennis business on the west side that does contribute, as a partner with the City of Wichita would be against their wishes. Stated that BK Academy encourages the Council to vote against the dome expenditure and to jump into this capital expenditure without adequate information of operating costs or without consideration to the impact of a significant business contributor and collaborator to this community would only be benefiting special interests agendas and not the community interests as a whole.

Kenny Fields

Mr. Fields stated that he is part owner of the BK Tennis Academy and regarding the dome that he feels that the Council does not really understand is that there is two types of domes, one that has to have constant air flowing through it and when they first started they were in a permanent dome, which has thick skin. Stated that you are looking at \$5,000.00 to \$7,000.00 a month for heating expenses and will have to bring in some way to heat this dome. Stated that they have been in the business for a long time and open up their doors for a lot of kids to be successful and USTA have been working with them in getting them grants to help fund some of these same kids that go to Riverside, which will cause competition. Stated that they are in support of working together with the City and have been asked to help run this facility but as a private business, he cannot see that. Stated that they are now working 12 and 13 hours a day and how can they leave their facility to go support and run another facility that is in direct competition with them.

Brent Fields

Mr. Fields stated that they are all for the promotion of tennis but one of the things that they feel is that they do not want to get into a competition with the City. Stated that they may not end up directly competing against each other but that you could create an environment where the people force them to compete because of lower prices.

Barry Fields

Mr. Fields stated that he was instrumental in the building of permanent structure for BK Tennis Academy and did research regarding the possibility of putting up a dome and they decided that it would be more cost efficient to put up a permanent structure than a dome structure. Stated that if you do something at Riverside with a dome, you will have to restructure the whole lighting system and add many more than is there right now, which will add to the cost. If you are moving this dome around the City you will also have the additional expense of adding lights to those areas. Stated that there are already programs in place for inner city kids, so why not utilize these funds to come up with a transportation system to filter out to some of the other programs that are already established to get these kids where they need to go.

Council Member Schlapp

Council Member Schlapp stated that they have done a great job at BK Academy and that there is no intent to get in the way of that. Stated that BK Academy does not have outdoor courts and if the City could get some mentoring from them and they could use these outdoor courts that could aid their facility is a possibility. Stated that she would like to work with BK in any way that she can with a City project and this should not be about creating a situation where you say that maybe you would be forced into competition. Stated that she feels that the City should be in contact with them and work along with them and make sure that what they are doing is not detrimental to their business.

(Council Member Schlapp momentarily absent)

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Cathy Dittner

Ms. Dittner stated that she is the Chairman of the Riverside Citizens Association Park Use Task Force and their goal is to preserve, protect and enhance the quality of the regional parks surrounding their neighborhood to the benefit of all the citizens of Wichita. Stated that while the task force would like to see improvements at this tennis center, they believe the dome and the reduction of courts to three, is the wrong set of improvements. Stated that there are problems existing in this tennis center that should be looked at and improved first. Stated that one would be the taking down of the old cement handball courts that are not used by anyone and are an ugly scar on the riverfront, the other would be to look at improving the tennis courts that are now asphalt and should be cement. Stated they should also look at the deteriorating aging lighting system that is inefficient and is causing problems. Stated that there is a great deal of improvements that could be done with this money that would still enhance an inner city recreational area. Stated that they do believe that is a park that should be used by all the citizens and encourage the park department to reach out for scholarships for all the children of the City to be able to play at those tennis courts. Stated without a dome there will be three months they will not be able to play there and they would like to see the park department reaching out to USD 259 and their Latch Key Programs that are all through the core city area, to the Go Zone Programs, after school programs that are at area churches that are serving that population and the YMCA.

(Mayor Mayans momentarily absent, Vice-Mayor Gray in the chair)

Rosalie Bradley

Ms. Bradley stated that she would prefer to see the tennis center be a regional tennis center that hosts tournaments. Stated that tournaments are an economical benefit to the community and she understands that there is no budget for the operating and maintenance or programming and the utilities alone are estimated to be \$30,000.00 to \$60,000.00 a year, which have not been budgeted. Stated that she is for applying this grant money for upgrading and improving the current facility, which would be better use of the money.

Janet Miller

President of the Park Board of Park Commissioners and reviewed with the Council Members some of the comments that were made from the August 3rd Board of Park Commissioners Meeting regarding this matter. Stated that rarely does the Board find itself with a difference of opinion of staff but the majority opinion of the Board does have a different opinion about the use of a dome. Stated on a 4 to 2 vote, the Park Board voted to use the federal grant money at the facility but not to include the dome. Stated that the Board also did vote to explore in the future the possibility of a dome that would be less expensive and have fewer and lower annual operating and maintenance costs. Stated that there are no funds budgeted for annual operating and maintenance costs for the dome. Stated that there will also be extra staff needed to run the dome and these operating funds will have to come from another area of the budget or the budget will have to be increased. Stated that if it were possible to increase the parks' budget to cover this, then they would propose that it would be first better to increase it to maintain and operate what we have now.

Mary Ellen Randall

Ms. Randall stated that she is hearing that every DAB is in favor of moving forward with this HUD Grant money, which is a gift to all of the people of Wichita. Stated he and her husband have played tennis in a dome and would like to dispel the myth that there is any problem with a dome. Stated that it is very pleasant inside, the tennis players enjoy being in there and there is no problem with the structure of a dome. Stated that it is aesthetically pleasing and would facilitate use of our park in a way that has not been done before. Stated that she is in favor of putting up the dome and is also the Board Chairman of the Maureen Connelly Brinker Tennis Foundation, which have projects and scholarships that they give to students throughout the City of Wichita. Stated that they offer scholarships to all of the clubs and they have a fund and a foundation that the monies can only be spent at Riverside Park and also have a general fund where they take their scholarships and projects for the entire City. Stated that people have given them monies that trust this foundation and those monies can only be spent at Riverside. Stated that the pros in this town are working 12-13 hours a day but there is a very small percentage of our youth who are being serviced and the possibilities for extending to many more youth is tremendous. Stated that they are waiting for more facilities and the monies that are earmarked within their organization only for Riverside, desperately need indoor courts because the youth of our City could then have programs that they would help fund that would continue throughout the whole year. Asked the Council to consider servicing the entire youth of our community and providing an indoor facility that can be used by everyone in the community.

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- Bobbie Harris Ms. Harris stated that she is a former member of the Maureen Connelly Brinker Foundation and coached tennis at North High School for 20 years and was the Physical Education Coordinator for USD 259 for eight years and spent five years writing grants. Stated that they started the After School Program and used the transportation from the YMCA and one of the big things they did was to start the school program during that reign and all of this has been free to kids. Stated that the spirit of the grant has been ignored here and every one of those grants and every bit of the funding that Council Member Schlapp has risen has been in the spirit that Riverside would become a year-round facility and the reason for that is so that indoor tennis would be available to everyone. Stated that she would not have ever gotten involved in this project if she thought that it would be competition to the Field brothers and their academy. Stated that we are losing sight of the programming and that they have raised thousands of dollars and the Lattner Grant is an example of that. Stated that we losing the spirit of what they did this funding for and all of the money that they have raised, grants written have been on the spirit of year-around tennis at Riverside. Asked the Council to focus on what was started 15 years ago and the spirit of what they are trying to do and the vision that they have of hundreds of kids using these courts.
- Mayor Mayans Mayor Mayans stated that Council Member Fearey is not here today but sent each Council Member an e-mail and the last paragraph aloud. Stated that she encouraged the Council to follow the advise of the Park Board as they are our eyes and ears for our parks.
- Council Member Martz Council Member Martz stated that he does not feel that this is in direct competition of BK Tennis Academy and believes that the more we involve the youth at the beginning level, the more they in turn as they become adults will play the sport and use the other facilities around. Stated that he understands the original intent of the grant was to have inside tennis at Riverside and the grant was additional and for a specific purpose and not to replace other things within the CIP. Stated that he does not believe that we should use this grant money to supplement other things in the CIP and should be used as it was intended, which is to provide a dome for indoor tennis at Riverside Park.
- Council Member Brewer Council Member Brewer stated that he wished he had this debate going on in his district and his DAB I member wished that they had the opportunity to have this dome at one of their parks. Stated that they are looking at an opportunity that if Riverside does not want it then they will wait to get it and put in the parks in District I. Stated that there is a need for this and he is in support of it.
- Council Member Gray Council Member Gray stated that he recognizes the concern of competition and that the Council will prove to them that it is not something that they should be concerned with if this passes today. Stated that this is really a policy issue as far as the competition aspect, how many months out of the year the dome would be up, etc. Stated that his Park Board Member was extremely supportive and is taking several opportunities to contact him after the meeting to discuss the dialogue that was had and feels that this is something that should be done. Stated that he visited with most of his DAB members and got a great deal of support from them.
- Council Member Schlapp Council Member Schlapp stated that our congressman understood the need for helping kids year around and that was why this grant was initiated in the first place and that the YMCA has contacted her and said that they would like to participate and they provide the buses and will pay for the use of that and Starkey has contacted her and said that they would be very interested in participating in the program along with the Girl Scouts who can also provide transportation and income and USD 259 are also interested. Stated that she spoke to Mr. Doughty and he is very excited about the fact there would be an opportunity for his kids to play year around. Stated that she feels all of these issues are resolvable and fixable and that she will be supporting this proposal.
- Mayor Mayans Mayor Mayans stated that he plans to oppose building a dome because he believes that the Council has a financial responsibility to the tax payers that they use fiscally sound policies and agrees with the Park Board's decision and DAB VI that this money could be used to improve the park and feels that the maintenance of this dome will be a lot more costly then has been reported.

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- Motion-- Martz moved that the initiation of the project be authorized; the bonding resolution adopted and the necessary signatures authorized.
- Mayor Mayans Mayor Mayans asked the Director of Law if there is an illegal issue here regarding Charter Ordinance 125, Section 5a, says "property designated permanently for park purposes by the City shall not be converted to other uses or permanently altered without the consent of the Board of Park Commissioners". Asked by making this motion, if the Council Members are not going contrary to this Charter Ordinance.
- Gary Rebenstorf Director of Law explained that the intent of this ordinance and the way it has been interpreted in the past, is that ordinance went to the disposition of property that was designated for park purposes and had to do with if there was going to be a change in the use of the property then that would trigger Charter Ordinance 125. Stated in this situation, since this park property is being used as a tennis court and will continue to be used as a tennis court, he does not see where Charter Ordinance 125 would be applicable.
- carried Motion carried 4 to 1, (Nay-Mayans), (Fearey and Skelton absent).

RESOLUTION NO. 06-425

A resolution authorizing the issuance of bonds by the City of Wichita at large for improvements at the Ralph Wulz riverside Tennis Center Complex, presented. Martz moved that the Resolution be adopted. Motion carried 4 to 1. Yeas: Brewer Gray, Martz, Schlapp, (Nay-Mayans), (Fearey and Skelton absent).

AIRPORT OFFICERS AIRPORT SAFETY OFFICER PARTICIPATION IN WICHITA FIREFIGHTERS RELIEF ASSOCIATION. **(CONTINUED FROM SPRING OF 2006)**

- Gary Rebenstorf Director of Law reviewed the item.
- (Council Member Martz momentarily absent)

Agenda Report No. 06-0823

At the meeting of February 7, 2006, the City Council deferred an agenda item regarding the Declaration for Participation in Firefighters Relief Fund for 2006. The item was deferred for further review and a legal opinion by the City Attorney as to whether Airport Safety Officers are eligible to participate in the Firefighter's Relief Association. On March 7, 2006, the City Council directed the City Attorney to request a determination from the Commissioner of Insurance as to whether the Airport Safety Officers of the Wichita Airport Authority are eligible to participate in the Firefighter's Relief Association.

Following the Insurance Commissioner's determination on eligibility, in May 2006, the Council requested guidance from the Attorney General regarding the issue. The Attorney General agreed that the Airport Safety Officers met the threshold necessary for eligibility in a firefighters relief association, but indicated that whether the Airport Safety Officers should be allowed to participate in the Wichita Firemen's Relief Association, established by city code, is clearly within the City of Wichita's authority to make the determination.

The Wichita Firefighters Relief Associations is eligible to participate in the distribution of the State Firefighters Relief Fund Tax. This Firefighters Relief Fund Tax distribution is from all fire and lightning insurance premiums collected. After certain payments required by law, the balance of the fund is paid to local firefighters relief associations to be used for benefits for firemen injured, disabled, or killed in the line of duty, payment of funeral expenses, payment of a pension benefit for full-time firemen who are unfit for service after serving 20 years with the department, and to purchase insurance which would provide any of the listed benefits. The Wichita Firemen's Relief Association received \$855,076.54 in the 2004 distribution and received \$832,849.16 in the 2005 distribution. Distribution of the fund to over 575 Associations throughout the state is calculated using the valuation and population of the area the department provides fire protection. The City of Wichita has had a Wichita Firemen's

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Relief Association since 1896 and has participated in the State Firefighters Relief Association for more than 80 years.

The City Council has the authority to determine whether the Airport Safety Officers of the Wichita Airport Authority should be allowed to participate in the Wichita Firefighter's Relief Association. The Wichita Firefighter's Relief Association is established by City ordinance and changes to the composition of the Association would require an amendment to the ordinance, Section 2.36.010 that provides "The Wichita Firemen's Relief Association shall be composed of the regularly appointed members of the city fire department."

There will be no expense to the City.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Mike Gonzalez

President of the Wichita Fire Fighter's Relief Association stated that and they represent all regularly appointed members of the Wichita Fire Department and it is their opinion that the members of the Airport Safety Officers should not be allowed to participate in their relief association. Stated that they are not members of their department and have different responsibilities and should pursue the establishment of their own relief association to participate in the Relief Act. Stated that the benefits of participating in the Relief Act provides for disbursement of tax funds to the different associations based on population served and the area that they cover by taxes paid. Stated that the money disbursed that his collected on that tax, there is also a life insurance policy purchased by the Kansas State Fire Fighters Association on every fire fighter in the state that belongs to the association.

Doug Pickard

President of the Wichita Fire Fighters and seven of the Airport Safety Officers, which are represented in his bargaining unit. Stated that there is an additional 18 and for the purposes of this conversation you will need to think about 25 people. Introduced the Administrator of the Fire Fighters Relief Act for the Insurance Commissioner Sandy Praeger.

John Washburn

Mr. Washburn stated that this is an issue that needs to be decided today and that a Fire Fighter Relief Association is chartered as a not-for-profit corporation and the officers of that association are elected to oversee the day-to-day operations of the association. Stated that the City Council has no say in the operation of the Fire Fighter Relief Act or the Fire Fighter Relief Association and that he encourages every Relief Association to make an annual presentation to the Council to show what benefits they are providing to the fire fighters to the City of Wichita or any other association established. Stated that the officers of the association can make no binding decisions unless there is a vote of the members. Stated that with the change of the airport authority to a department of the City and the training that the fire fighters get, it is his, the insurance commissioners and the attorney general's opinion that they should be participants in the Fire Fighters Relief Act. Stated that the money comes from the Fire Fighter Relief Act is established by a 2% fund that is for fire and lightning insurance that is sold in the State of Kansas and is distributed to each association and every association gets \$1,000.00 plus a percentage that is loosely based on population and valuation for the area served. Stated that if we able to separate the two departments and establish them, then everything that is within the airport boundaries would have to be taken away from the Wichita City FRA and given to the Airport Authority. Stated that he realizes that there would be little or no population served in that area however the valuation is fairly substantial for that area.

Gary Rebenstorf

Director of Law quoted the Attorney General's opinion that was provided to him, "whether the Wichita Airport Safety Officers are allowed to participate in the Wichita Firemen's Relief Association, as established pursuant to city code is an all together different question on which they do not believe Commissioner Praeger expressed an opinion, likewise, they would refrain from addressing this issue as it is clearly within the City of Wichita's authority to make this determination". Stated that he is reading this to say that the Attorney General is saying that he does not think that the Insurance Commissioner addressed the issue and he is not going to address the issue and is saying that because the City of Wichita has it's own city code provisions providing for a Wichita FRA, that the City Council has the authority to make the decision on whether the Airport Safety Officers would be part of the Wichita FRA and that he disagrees with Mr. Washburn.

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- Council Member Schlapp Council Member Schlapp stated that she does not see how the Council can vote on this today and that if we need to change the ordinance that they should be able to see it before they vote on this issue.
- Gary Rebenstorf Director of Law stated that if the City Council would like to make a change, then the direction would be to include the safety officers in the ordinance and have the ordinance come back to the City Council for approval and the decision is to whether they should be allowed to participate and if that is the decision, then the ordinance would be changed and not be official until changed.
- Ernie Schuler Secretary Treasurer of the Fire Fighter's Association stated that the annual fund distribution from the state goes to 579 associations and that amount is based on the valuation and the population that relief association responds to and for Wichita that is everything inside the city limits. Stated that is how their portion is figured and receive that from the county clerk and send to John Washburn every year. Stated that the airport safety personnel are not responsible to respond to all portions of the City of Wichita, they are restricted to the airport area. Stated that if the airport personnel were allowed to participate then they would receive benefits determined by the valuation and population that they do not respond to and they do not think that is fair and equitable. Stated that they think it is fair for them to work with fire service organizations in the State of Kansas and with the Insurance Commissioner's Office to seek a legislative change in the relief act to cover those types of entities so that they can receive benefits from the relief act. Stated that this is their members and board of director's position.
- Doug Pickard Union President stated that in 1996 the Kansas Supreme Court said that they were employees of the City but since that time we have evolved and these officers have come into the airport Police and Fire Pension System and in October of 2005 the Public Employees Relation Board (PERB) came back and said the lieutenants and captains are entitled to representation and they came into the IAFF Local 135. Stated we have a commonality of membership, however, Chief Gonzalez was correct, they represent captains on down and the association represents all fire fighters regardless of rank. Stated that the issue came up when the airport safety officers asked if the association something that they are entitled to. Stated that there is a city ordinance issue here but everybody that administers this fund says that they look like city fire fighters.
- Council Member Gray Council Member Gray stated that he does think the airport public safety officers would be better served under their own fund with their own additional funding source other than that distributed to them based off the minimal level of funding so that they could tailor their additional benefits to better suite their purposes and job duties but by looking at all the different things that have been presented today, it could be years to get all this sorted out to make it so that it is an equitable system for there to be two benefit groups operating within the boundaries of the City of Wichita and feels even though they do not put out a lot of fires, that risk is there. Stated that if this were a simple issue that could be settled in a few weeks or months then we would say to have them set up their own fund but it could be several years to accomplish all that is necessary to make this an equitable process.
- Motion-- Gray moved to allow the participation of the Airport Safety Officers into the Wichita Fire Fighter's Relief Association and to amend the ordinance to allow that. Motion carried 5 to 0, (Fearey and Skelton absent).
--carried

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NEW BUSINESS

Mayor Mayans

Mayor Mayans requested to hear item 30, 2007 Budget and item 29, Request for Resolution of Support for Application for Low-Income Housing Tax Credits, The Village Apartments, next since there are so many people who have been waiting to speak on these two items. These items will be shown in agenda order.

37TH ST. NORTH

37TH ST. NORTH IMPROVEMENT BETWEEN TYLER AND RIDGE. (DISTRICT V)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 06-0824

On March 8, 2005, the City Council approved projects to improve 37th St. North, between Tyler and Ridge and replace the bridge at 37th St. North, 1,300 ft. west of Ridge. The funding source is a combination of City and Federal funds. Based on current bid prices, it is doubtful that a construction contract can be awarded within the approved budgets. Additional Federal funds, subject to approval by the Wichita Area Metropolitan Planning Organization (WAMPO), are available for most of the project increase. An amending Ordinance has been prepared to increase the project budget and to combine the two projects so the improvements can be let as one project.

The project will reconstruct 37th St. North to build a four-lane roadway with landscaped medians. The existing bridge located at the Big Slough North approximately 1,300 ft. west of Ridge will be removed and replaced with a new four-lane structure.

The current budgets total \$4,400,000, with \$1,200,000 paid by the City and \$3,200,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds. The proposed increased budget is \$5,350,000, with \$1,350,000 paid by the City and \$4,000,000 paid by Federal Grants, subject to WAMPO approval. Funding for the increased City cost is available from savings in the 29th St. North, Tyler to Maize, and 13th St. Bridge at Cowskin Creek projects.

This project addresses the Efficient Infrastructure goal by improving traffic flow through a major traffic corridor.

The Law Department has approved the amending Ordinance as to legal form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Martz moved that the revised budget be approved; the amending Ordinance placed on First Reading and the signing of State/Federal agreements as required be authorized. Motion carried 5 to 0, (Fearey and Skelton absent).

ORDINANCE

An Ordinance amending Ordinance no. 46-558 of the City of Wichita, Kansas declaring 37th St. North, between Tyler and Ridge (472-84186) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

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MORATORIUM

MORATORIUM ON REPLAT OF PRIVATE PROPERTY ON THE ARKANSAS RIVER RIVERBANK

Doug Kupper

Director of Parks and Recreation reviewed the item.

Agenda Report No.06-0825

The Board of Park and Recreation in meeting held on October 10, 2005 and voted to recommend to Council that a moratorium on replating of real property adjoining the Big Arkansas River be adopted until such time as Code sec. 9.28.020 may be reviewed as to its ability to accommodate planning by the City of Wichita, Visioneering, MAPC and other organizations regarding access to and recreational use of the Arkansas River.

The City of Wichita in collaboration with the Visioneering program and MAPC is currently studying issues related to recreational use of the Arkansas River. City of Wichita Code sec. 9.28.020 places control of that portion of the Big Arkansas River that sits between the high water marks (defined in case law as "the line to which the river rises in time of ordinary high water") with the City's Board of Park Commissioners. On occasion an owner of private property in a developed area, which adjoins the river, requests that a replat of the property line be granted by the City. The Park Board is recommending that City Council impose a moratorium on any future replatting of property adjacent to the Big Arkansas River until such time that the ordinance may be reviewed to determine its ability to accommodate planning projects under review.

A proposed moratorium resolution has been prepared for Council consideration. The proposed resolution would establish a moratorium on both the processing of applications and the Council's approval of any plats for property that is adjacent to the Arkansas River within the City limits. The moratorium would give City staff, the MAPC, and the Park Board time to finish its review the current ordinance and platting requirements.

The moratorium would be for up to one year, but Staff would report on the study findings to the City Council within nine months. Upon receiving a report, the Council can determine whether ordinance changes are needed or whether the moratorium should be extended or allowed to expire. The proposed resolution provides for an appeal to the City Council on a case-by-case basis to consider unique hardships that may arise under this moratorium.

There is no direct financial impact from the moratorium. Costs would be attributed to the staff time for the study and review and the deferral of revenue from plat application fees during the moratorium.

The impact on the moratorium is to ensure the quality of life of the community's citizens by maximizing recreation access to the river.

The Big Arkansas River is a navigable stream under State law and the State owns the riverbank between high water marks. The City is allowed to regulate the use of the riverbank within the City limits. Neither the City nor the Park Board will be able to change the high water mark or determine the property boundary lines or ownership between private property and the public property along with riverbanks, however. The City Council has the authority under its police powers to establish a reasonable moratorium on the processing of certain applications or grants of approval, including replatting. The Resolution has been reviewed and approved as to form by the Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

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M. S. Mitchell

Mr. Mitchell stated that in 1958 and carrying on into the 1970's the flood control office did beautification and channelized the river at a design cross section to comply with that split of the design flow regulation. Stated that they started where the level land dropped off in most cases near vertical, 10 to 15 feet so it was easy to determine where the high bank of the Arkansas River was and where the property line between what is private property and what the federal government withheld. Stated that once they filled out part of the level land and made the slopes and set out the low pad, which has become the location for some of the bike paths, that demarcation line changed considerably. Stated in the early 1980's the City wrote an ordinance, which made the bed and banks of the Arkansas River, public parks and what they referred to then instead of the high bank was the high water level and there are at least three definitions of high water level in use. Stated that the ordinance was written with the purpose of making all of that area that was created by public funds to be able to carry the flood flows, to be accessible for operation and maintenance and to be used in part by the public for recreational purposes, is endangered by the language in ordinance and he believes if we do not rewrite the ordinance it is possible for a private land owner to ask to plat part way down or all the way down that slope and give up what was created by public funds. Stated we would have difficulty with encroachments and have the loss of the public area. Stated that he support the moratorium and requests that they be given an opportunity between public works and the park department to assist in that ordinance rewrite.

Motion--

Mayans moved that the Resolution placing a moratorium on replatting of certain private property adjacent to the Arkansas River during the study of the replatting and River use process be placed on first reading and the membership on the Park Board and Mr. Mitchell be allowed to also help with formulating the ordinance on this particular issue.. Motion carried 5 to 0, (Fearey and Skelton absent).

--carried

RESOLUTION NO. 06-423

A Resolution of the governing board of the City of Wichita declaring and establishing a moratorium on the replatting of property adjoining the Arkansas River, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, and Mayans, (Fearey and Skelton, absent).

(Item 29 shown in agenda order)

VILLAGE APTS.

REQUEST FOR RESOLUTION OF SUPPORT FOR APPLICATION FOR LOW-INCOME HOUSING TAX CREDITS, THE VILLAGE APARTMENTS. (DISTRICT I)

Mary K. Vaughn

Director of Housing and Community Services reviewed the item.

(Council Member Martz momentarily absent)

Agenda Report No. 06-0827

The City has received a request from Transitional Residence Company (TRC), for a City Council resolution of support for its application for Low-Income Housing Tax Credits in connection with site acquisition and renovation of an existing apartment building near 16th and Piatt. The project plan includes renovation of the existing building, and acquisition of adjacent property sufficient to construct three additional buildings. The State of Kansas requires developers/owners to obtain a Resolution of Support from the local government, when submitting applications for financing through the Low-Income Housing Tax Credit Program.

Under the City's adopted Low-Income Housing Tax Credit (LIHTC) policy, developers/owners must present proposed LIHTC projects to the applicable District Advisory Board. The policy requires a subsequent review by the Housing Advisory Board (HAB) and the City's Development Coordinating Committee (DCC). The Planning Department and the Office of Central Inspection (OCI) review the project for design appropriateness, and consistency with applicable neighborhood plans. Once the project is reviewed by the DAB, the HAB, DCC, Planning and OCI, it is forwarded to the City Council for a public hearing, with a staff recommendation regarding the resolution of support for the LIHTC application.

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The project proposed by TRC involves acquisition of an existing multi-family building and adjacent sites located at 2031 E. 16th Street. TRC will serve as the developer, and H.O.P.E., Inc. (HOPE), a local non-profit organization, will be the sponsor and managing member of the Limited Liability Company that will be the owner of the project. The new project will be known as The Village Apartments. HOPE will refer potential clients for housing and will provide services to apartment residents on an "as needed" basis. The project will involve renovation of the existing 12-unit apartment building, construction of two additional apartment buildings, and construction of a small clubhouse facility that will consist of a storm shelter, management office, exercise room, and a community gathering room, which will also be utilized as an "after school" study hall. The completed project will offer a total of 28 units, including 20 two-bedroom units and 8 three-bedroom units. The monthly rent amounts are expected to be \$395 for the two-bedroom units and \$445 for the three-bedroom apartments. Tenants will pay for electric service (units are to be all-electric), and the developer will pay for water, sewer, and trash removal.

The street bordering the project site to the north is 16th Street, which is currently not paved. The developer has indicated his intent to arrange for paving of this block through special assessments or as part of the general project cost, if possible.

The City's Low Income Housing Tax Credit Policy requires a set-aside of 20% of the units (in this case, six total units) for market rate tenants. HOPE and TRC are requesting waiver of this requirement, due to the following extenuating circumstances. The project will not offer amenities typically offered in market-rate apartment complexes, such as a swimming pool or covered parking. Further, project management intends to provide full-time, on-site property management, as well as a clubhouse/community room, which are not the norm for a 28-unit apartment project. Although the addition of on-site property management increases operating costs, and makes it necessary to reduce long-term debt service in order to maintain affordability of the apartment units, it is deemed to be appropriate, in light of the developer's intent to make the community room available as a study hall. Housing and Community Services is supportive of the waiver.

The City's Planning Department has provided comment regarding the proposed project, with respect to zoning compliance and consistency with the Central Northeast Neighborhood Plan. Planning has indicated that the project offers interesting design features, but does not recommend support. Planning staff does not consider the project to be consistent with the intent of the recently adopted Central Northeast Area Plan to encourage and promote owner-occupied housing initiatives. Planning also noted that 16th Street is unpaved and recommends paving of this street, if the project is to be approved.

The Office of Central Inspection (OCI) has also provided comment on the project. OCI notes that as proposed, the project has 21% fewer parking spaces than is required. Given the number of apartment units, 49 parking spaces would be required, while the site plan reflects 39 spaces. A reduction of up to 25% of the total requirement could be approved, provided that the Superintendent of Central Inspection and the Director of the Metropolitan Area Planning Department agree to do so. Further, the site plan reflects that parking would be provided along the property lines adjacent to 16th and Ash. This parking would require screening and landscaping, which is generally required to be on private property, not in a City Right-of-Way (ROW). Waivers and variances can allow a certain amount of landscaping in the ROW, provided it is maintained by the property owner.

OCI has also indicated that the site plan may have to be modified or variances provided in order to permit construction of the community building within 6 feet of the property line on the south. A "compatibility setback" of 25 feet is required under the zoning regulations in this instance. A landscaping buffer and a solid screening fence would also be required along the south property line of the east half of the development, and the trash enclosure would have to be located 20 feet from the property line. Landscaping along the streets and in the street front yards is generally required under the landscape ordinance.

The comments provided by OCI also reflect that there may be traffic circulation/engineering concerns, particularly with the parking that is designed in such a manner so as to require drivers to back out on the streets. If the adjacent alley is to be used for traffic/parking circulation, it must be paved to City alley standards (generally concrete), unless the alley is to be vacated.

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In consideration of the comments provided by Planning, Housing and Community Services believes that although the project does not promote homeownership it does eliminate a blighting influence, will pave 16th Street between Piatt and Ash, will improve the existing site, and will provide safe, clean affordable rental housing in a manner that does not require a change in the existing zoning. In this sense, Housing and Community Services staff believes the project to be consistent with the City's revitalization goals, as the site is located within the City's Neighborhood Revitalization Area. Housing and Community Services is therefore recommending adoption of a resolution of support by the City Council, provided that the developer can obtain the waivers and variances that will be required to complete the project.

The project has been reviewed by the Housing Services Department, and has received recommendation for adoption of the resolution of support from the DAB and the HAB with waiver of the 20% market-rate unit requirement. The District I Advisory Board approved a recommendation for adoption of the resolution of support by a 9-0 vote, and the Housing Advisory Board approved recommendation for adoption of the resolution of support by a 6-0 vote. The DCC has also approved recommendation of adoption of the resolution.

The resolution of support will not constitute final plan or design approval. If the project is awarded tax credits, the project developer must comply with all requirements associated with appropriate plan reviews required for issuance of a City building permit. These reviews will include compliance with the City of Wichita's LIHTC Policy design guidelines. Further, the developer must comply with any additional reviews that may be requested by the City Council member in whose district the proposed project is planned.

The total project cost is estimated to be approximately \$3,713,000. The applicant intends to finance the project utilizing funding from the sale of housing tax credits, a private bank loan and financing provided through the Federal Home Loan Bank's Affordable Housing Program. The City will not directly participate in the financing of the project.

The proposed project contributes to the goal of Economic Vitality and Affordable Living.

In accordance with City Council Resolution No. R-95-479, TRC has notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment to the City Council regarding the project. City Council Resolution No. R-95-479 also requires that the City Council hold a public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the resolution of support for the application of low-income housing tax credits. The resolution document has been approved as to form by the City Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the public hearing be closed; the resolution of support for the TRC application for Low-Income Housing Tax Credits with waiver of the 20% market-rate requirement, subject to all local building and zoning codes, ordinances and any additional design review requirements adopted and the the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Skelton absent).

--carried

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(Item 30 shown in agenda order)

2007 BUDGET

PUBLIC COMMENT ON THE 2007 ANNUAL OPERATING BUDGET

Agenda Report No.06-0828

On July 18, 2006, the City Manager presented his Proposed 2007/2008 Budget.

The proposed 2007 annual operating budget is \$485,102,402 – including all Tax Increment Financing (TIF) Funds and the Self-Supporting Municipal Improvement District (SSMID) Fund. Interfund transactions and appropriated reserves increase this amount to \$582,537,352. The inclusion of expendable trust funds, as required by law, is an additional \$59,752,780 for a total of \$642,290,132. The estimated mill levy for this budget would be 31.898 mills, no change from the levy for the current 2006 Adopted Budget. The General Fund property tax levy is \$62,159,930 (including a delinquency allowance) at an estimated 21.828 mills. The levy for the Debt Service Fund is \$28,386,130 (including a delinquency allowance) and is estimated at 10.000 mills.

The proposed budget is available to the public at any City branch library, at Department of Finance offices in City Hall, or on the internet at www.wichita.gov. In addition, staff has presented the proposed budget to District Advisory Boards, as well as other community groups.

On July 18, 2006, the City Council approved the publication of the notice of the maximum dollars that may be expended in each fund, and of a mill levy of 31.898 mills, no change from the current levy, based on the estimated assessed valuation of \$2.838 billion.

The adoption of the annual budget provides the funding sources for services provided in each of the five goal areas.

State statutes require a formal public hearing prior to approval of the annual operating budget and for budget amendments of published funds. This official hearing is scheduled for August 15, 2006, on which date the Council must be adopt the budget to meet the statutory deadline.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

JJ Selmon

Mr. Selmon stated that last night they were at the DAB I meeting and the whole discussion was whether these funds should come out of District I's budget for park and street improvements and the Sunflower Action Group did not agree with that and did not think that was a necessary use of funds and does not feel that this is a District I only issue. Stated that the DAB members agreed with them and made a motion to have Council Member Brewer bring this back to the Council as a citywide issue. Stated that there has been mention that there is a shortage of police officers, but last night after the DAB meeting the police were called up by Police Williams and there were 10 police cars and a helicopter circling also because the member who made the first motion to deny the pilot project feared for his safety when leaving the building. Stated that it is obvious that there is not really a need for additional police officers. Asked how they get this issue on as an agenda item like what has been discussed today. Stated that they also do not feel that 10 cameras is enough and is not effective and would like to see at least 20 cars spread out within the City.

Mayor Mayans

Mayor Mayans explained the process.

Council Member Brewer

Council Member Brewer stated that at the reason that he police were called last night after the meeting was because when a DAB member made a motion to deny the pilot program there was an outburst from the audience that caused a few of the people in the audience to become concerned. Stated that is what prompted the police to be called out. Stated that the Police Chief talked about the benefits of having the cameras in police cars and there was discussion about what the percentage would be that would actually pick up an incident that would happen and the number quoted was approximately 30%. Stated that there was a lot of dialogue between DAB members for and against it and some of them did not believe that now was a good time to purchase cameras but they did not want to put off any of the other things that were in place and needed.

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Jessie Sheffield

Mr. Sheffield stated that the issue of safety should be a top priority when considering the budget.

PLANNING AGENDA

Motion--
--carried

Mayans moved that the planning consent items be approved in accordance with the recommended action shown thereon. Motion carried 5 to 0, (Fearey and Skelton absent).

CUP2006-22

CUP2006-22 ASSOCIATED WITH ZON2006-24 – CREATE DP-298 GREENWICH PLAZA COMMUNITY UNIT PLAN; ZONE CHANGE TO “GC” GENERAL COMMERCIAL. GENERALLY LOCATED NORTH OF 13TH STREET NORTH AND WEST OF GREENWICH ROAD. (DISTRICT II)

Agenda Report No. 06-0829

MAPC Recommendations: Approve, subject to revised conditions, vote (9-3).

MAPD Staff Recommendations: Approve, subject to conditions.

The applicant proposes a community unit plan containing 36 acres with seven parcels, DP-298 Greenwich Plaza Community Unit Plan (“CUP”), and requests rezoning nine acres from “SF-20” Single-family Residential to “GC” General Commercial zoning. The CUP would be located on the quarter section of land northwest of 13th Street North and Greenwich Road, except for a one-acre tract abutting the corner of the intersection. The nine acres requested for GC zoning is in the southwest corner of the CUP. The rest of the proposed CUP already is zoned “LI” Limited Industrial on the northern 21 acres and “LC” Limited Commercial on the southeastern five acres. One acre had been annexed to the City of Wichita prior to the filing of the request. The balance of the tract was annexed on July 11, 2006.

The property is located in the flight path of the Raytheon runway, which ends one-fourth mile south of 13th Street North. All of the land lies within Area A of the Airport Hazard Zone (Wichita-Sedgwick County Airport Hazard Zoning Map) and will require FAA review (FAA Form 7460-1) for any structures.

Use restrictions for the northern half and southwest quarter of the CUP (Parcels 1, 6, 7 and Parcel 2 except the eastern 540 feet) would be GC uses permitted by right except: correctional placement residences; recycling collection stations, public and private; recycling processing center; reverse vending machines; pawn shops; asphalt or concrete plants; welding or machine shops; tattooing or body piercing facilities; sexually oriented businesses and adult entertainment as defined by city code.

Use restrictions for the southeast quarter (Parcels 3, 4, 5 and the eastern 540 feet of Parcel 2) would allow those uses permitted by right in the “LC” Limited Commercial district except: correctional placement residences, vehicle storage yards, general vehicle repair, outdoor storage, pawn shops, nightclubs, asphalt or concrete plants, sexually oriented businesses and adult entertainment as defined by city code.

One potential business under consideration for Parcel 1 is an automobile dealership. Specific users have not been identified for the development.

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General provisions for building coverage, height, circulation, setbacks, screening, architectural controls, lighting, landscaping and signage are given in the general provisions and parcel descriptions of the CUP.

Greenwich Road and 13th Street North are 4/5 lane arterial streets with a signalized intersection. Current (2005) traffic counts on Greenwich Road were 9,326 vehicles per day south of 13th and 7,169 north of 13th; projected 2030 traffic volumes are 22,000 vehicles per day south of 13th and 20,000 north of 13th. Current (2005) traffic counts on 13th Street North were 7,387 vehicles per day west of Greenwich and 9,755 east of Greenwich. Projected 2030 volumes for 13th Street North is 20,000 vehicles per day. Three full movement and two right-in/right-out access points are requested for both 13th Street North and Greenwich Road.

A one-acre tract of land owned by Home Bank and Trust is located immediately abutting the proposed CUP at the northwest corner of the intersection of 13th Street North and Greenwich Road. It is zoned LC and is excluded from this CUP. East of Greenwich Road, the southernmost 1/8 mile of property is approved as DP-224 Dillons 13th and Greenwich CUP and is undeveloped. The remaining 3/8 mile of property east of Greenwich and south of the railroad right-of-way is zoned SF-20 and is vacant. North of the proposed CUP, the property is zoned GI and used as for storage of old aircraft parts by Raytheon and a concrete plant. The property to the west is zoned "LI" Limited Industrial and is vacant. The property to the south is zoned LI and is the test runway for Raytheon aircraft, except for a small community unit plan, DP-254 Kiser West CUP located southwest of the corner of 13th Street North and Greenwich that is zoned LC and is vacant, except for one retail business. The property to the southeast of 13th Street North and Greenwich Road is DP-239 Gateway Center Addition CUP, commonly known as The Palazzio. It is zoned LC and is developed with a large theater, a large bowling alley, several restaurants and a hotel.

At the MAPC meeting held July 6, 2006, the MAPC voted (9-3) to approve the CUP subject to staff comments except to scale back the recommended restrictions on uses potentially generating large concentrations of population underneath a flight path of the Raytheon runway. The restrictions recommended by MAPC was to prohibit schools, hospitals, churches, group homes, day care and all uses that attract wildlife including wet detention and ponds. No citizens were present to speak. No protests have been filed.

The recommendation is that the application be APPROVED subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2006-00024) to GC.
- B. APPROVE the Community Unit Plan (DP-298), subject to the following conditions:
 - 1. Schools, hospitals, churches, group homes and day care shall be prohibited.
 - 2. All uses that attract wildlife including wet detention and ponds shall be prohibited.
 - 3. No construction shall be permitted without first obtaining an FAA review (FAA Form 7460-1 or subsequent review in place thereof) by the appropriate federal agency. Freestanding wireless communication facilities shall be prohibited.
 - 4. Any vehicle storage yard shall be screened by a solid masonry wall.
 - 5. Add to General Provision #7: "Parking lot landscaping and screening shall be required for all parcels."
 - 6. Add to General Provision #8: building setbacks of 15 feet on internal property lines, 35 feet along 13th Street North and Greenwich Road, and show setbacks on CUP.
 - 7. Add to General Provision #9B: Only those signs permitted in the LC zoning district shall be permitted. No temporary display signs are permitted on any parcel developed with auto sales, including the use of commercial flags, banners, portable pennants, streamers, pinwheels, string lights, search lights, bunting and balloons, except that fixed banners affixed to light poles and not exceeding 50 square feet of material per light pole shall be permitted. Add to General Provision #9C: "billboards,"
 - 8. Add to General Provision #22: An overall site circulation plan shall be submitted for review and approval by the Planning Director and Traffic Engineer prior to issuance of the first

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- building permit, demonstrating smooth internal vehicular movements within the CUP. An internal drive shall be provided along the common boundary of Parcel 2 with Parcels 3-7.
9. Add a general provision to state: "On parcels used for vehicle sales, the parcels shall be limited to sales of automobiles and light-duty trucks and shall adhere to the supplementary use provisions of Article III, Sec. III-6.D.x, or such use would require an amendment of the CUP to alter these supplementary use provisions.
 10. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
 11. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
 12. All property included within this CUP and zone case shall be platted within one year after approval of this CUP by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
 13. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-298) includes special conditions for development on this property.
 14. The applicant shall submit 4 revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

Promote Economic Vitality and Affordable Living.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--

Mayans moved that the findings of the MAPC be adopted and the zone change approved subject to platting within one year and the CUP approved subject to the conditions; the Planning Department instructed to forward the ordinance for first reading when the plat is forwarded to City Council.

--carried

Motion carried 5 to 0, (Fearey and Skelton absent).

VAC2006-00027

VAC2006-00027 REQUEST TO VACATE A PORTION OF PLATTED ACCESS CONTROL AND A PLATTED WALL EASEMENT, GENERALLY LOCATED ON THE EAST SIDE OF MAIZE ROAD, APPROXIMATELY ¼ - MILE NORTH OF 21ST STREET NORTH. (DISTRICT V)

Agenda Report No. 06-0830

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant has applied for vacation of the complete access control along the site's north 30-feet of its Maize Road frontage. The request will allow for a proposed 40-foot joint right in/right out drive between the subject site and the abutting northern property. There is an existing 50-foot wide joint access drive, a portion of which is located on the south 15-feet of the subject site. The proposed joint access would be 155-feet north of this described existing drive. There is another existing drive on the west side of Maize Road (across from the site) that is located approximately 100-feet south of the site. At this location, Maize Road has a center turn lane, continuous right hand turn lanes and four through lanes. There is water located in the east side of the Maize Road right-of-way (ROW), but no sewer lines or manholes. The applicant also proposes to vacate the described platted 5-foot wall. There is a platted 20-foot drainage-utility easement that runs parallel to the platted wall easement that will remain. The Chadsworth Commercial 2nd Addition was recorded with the Register of Deeds on August 14, 1995.

The MAPC voted (12-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

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Ensure efficient infrastructure.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Skelton absent).

AIRPORT AGENDA

Motion--
--carried

Mayans moved that the airport consent item be approved in accordance with the recommended action shown thereon. Motion carried 5 to 0, (Fearey and Skelton absent).

FUEL FARM

FUEL FARMS STUDY, WICHITA MID-CONTINENT AND COLONEL JAMES JABARA AIRPORTS.

Agenda Report No. 06-0831

This study is identified in the Capital Improvement Program as an environmental compliance project.

A study of both fuel farms will provide an indication of the deficiencies as well as determine short and long term planning for major maintenance and expansion. The conclusions of the study will be used to develop a follow-up construction project.

A budget of \$30,000 is established for the study, and will be funded with General Obligation Bonds paid for with airport revenue.

The Airport's contribution to the economic vitality of Wichita is promoted through initiating projects which facilitate the operations of airport tenants and the customers they serve, thereby allowing the Airport to continue to operate on a self-sustaining basis and attract business to Wichita.

The Law Department has approved the Authorizing Resolution as to legal form.

Motion--
--carried

Mayans moved that the project be approved; the resolution adopted and the necessary signatures authorized. Motion carried 5 to 0, (Fearey and Skelton absent).

RESOLUTION NO. A06-013

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent and Colonel James Jabara Airport facilities; and setting for the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gray, Martz, Schlapp, and Mayans, (Fearey and Skelton absent).

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CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

There were no board appointments to be made.

Motion--carried

Mayans moved to adjourn the regular meeting at 1:00 p.m. Motion carried 5 to 0, (Fearey and Skelton absent).

ADJOURNMENT

The meeting adjourned at 1:00 p.m.

Respectfully submitted,

Karen Sublett CMC
City Clerk

Workshop followed in the First Floor Board Room